

REMARKS

This responds to the Office Action dated August 7, 2008.

Claims 38 and 72 are amended, claims 1-37 and 46 are canceled, and no claims are added; as a result, claims 38-45 and 47-80 are now pending in this application.

Applicant respectfully submits that the amendments and additions to the claims are fully supported by the specification, as originally filed, and that no new matter has been added. For example, support for the amendments can be found in the specification at page 6, line 27-30 and page 7, lines 1-5. Applicant hereby respectfully requests further examination and reconsideration of the application in view of the following remarks.

Allowable Subject Matter

Claims 46-48 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has incorporated the allowable subject matter of claim 46 into independent claims 38 and 72. As such, Applicant respectfully submits that independent claims 38 and 72, as well as the claims which depend from claims 38 and 72, are now in condition for allowance.

§112 Rejection of the Claims

Claims 38-80 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant has amended claims 38 and 72 to clarify the phrase “physiological data obtained.” Applicant has also amended claim 38 to clarify the word “data” in line 4. Claim 72 has been similarly amended. Furthermore, Applicant has amended claims 38 and 72 to clarify the phrases “a displayed summary” and “automatically extracted.” Applicant respectfully requests reconsideration of amended claims 38 and 72, and the claims that depend from them, as well as withdrawal of the rejection under 35 USC § 112, second paragraph.

Claim 42 and 76 were rejected under 35 U.S.C. § 112, second paragraph, as being vague and conflicting with claims 38, 72 since claims 38, 72 have the system automatically starting the episode while claims 42, 76 have a non-automatic start. Applicant respectfully traverses this rejection. While claims 38, 72 can relate to automatic-start systems, Applicant submits that it is

not inconsistent to provide a trigger-start option for an otherwise automatic-start system. Thus, claims 42, 76 incorporate the automatic-start feature of claims 38, 72 while also providing a trigger-start option. Applicant respectfully requests the withdrawal of the rejection of claims 42 and 76 under 35 USC § 112, second paragraph.

Request For Interview

In the event that all claims are not allowed, and any outstanding issues remain, Applicant respectfully requests a telephonic interview be conducted between the Examiner and Applicant's representative, Suneel Arora, who can be reached at 612-373-6951.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

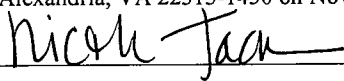
Respectfully submitted,

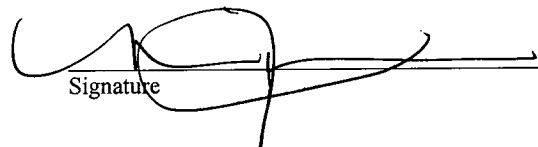
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6951

Date November 7, 2008

By 
Suneel Arora
Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 7, 2008.


Name


Signature